

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HEALTHCARE FACILITIES)	
CONSULTING, INC. d/b/a ESC,)	
)	
Plaintiff,)	CASE NO. 04 C 0973 C
)	
v.)	JUDGE CRABB
)	
SE & ASSOCIATES, INC.,)	MAGISTRATE JUDGE CROCKER
SUNDIAL SOFTWARE CORP.,)	
JOSEPH SKALECKI,)	
STEPHEN ELLIS,)	<u>FIRST AMENDED COMPLAINT FOR</u>
)	<u>COPYRIGHT INFRINGEMENT</u>
Defendants.)	

Pursuant to Fed. R. Civ. P. 15 and the Court's Preliminary Pretrial Conference Order (setting April 4, 2005 as deadline to amend pleadings), Plaintiff, Healthcare Facilities Consulting, Inc. d/b/a ESC, for its First Amended Complaint against Defendants SE & Associates, Inc., Sundial Software Corporation, Joseph Skalecki, and Stephen Ellis alleges and states as follows:

PARTIES

1. Plaintiff, Healthcare Facilities Consulting, Inc. d/b/a ESC (hereafter "ESC"), is a Nevada corporation having a principal place of business at 2875 F Northtowne Lane, Suite 234, Reno, Nevada 89512.

2. Defendant, SE & Associates, Inc. ("SE&A"), is a corporation having a place of

business at 3420 Amhurst Road, Janesville, Wisconsin 53556-8834.

3. Defendant, Sundial Software Corporation (“Sundial”), is a corporation having a place of business at 5325 Wall Street, Suite 2900, Madison, Wisconsin 53718.

4. Defendant, Joseph Skalecki (“Skalecki”), is an individual employed by SE&A and having a place of business at 3420 Amhurst Road, Janesville, Wisconsin 53556-8834.

5. Defendant, Stephen Ellis (“Ellis”), is an individual employed by SE&A and having a place of business at 3370 Howard Road, Murfreesboro, Tennessee 3127-6940.

JURISDICTION AND VENUE

6. This is a civil action for copyright infringement pursuant to 17 U.S.C. § 101, *et. seq.*

7. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338.

8. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

BACKGROUND FACTS

9. Since 1986 ESC has helped solve facility management problems using software and consulting tools it developed specifically for the cleaning industry. In 1996, ESC developed a computer program called *ESCt Environmental Service Computer Tools®* or *ESCt*.

10. Between 1996 and 2003, ESC developed several derivative versions of the *ESCt* software. Today these consist of versions 7.0, 7.6, 8.0, and 8.5.

11. In accordance with federal law, ESC has registered and owns copyrights covering the original *ESCt* software and three derivative versions of the software.

12. Copyright Registrations TX 6-095-278, TX 6-079-803, TX 6-061-497, and TX 6-095-279 for *ESCt* Versions 7.0, 7.6, 8.0, and 8.5 respectively are attached as Exhibit A.

13. On information and belief, Defendants SE&A, Sundial, Skalecki, and Ellis have had access to at least *ESCt* Versions 7.0, 7.6, and 8.0. Skalecki and Ellis are both former employees of ESC and were both subsequently independent sales representatives for ESC.

14. As independent sales representatives, Skalecki and Ellis sold the *ESCt* software and provided technical assistance to ESC's customers. As employees of or independent contractors for ESC, Skalecki and Ellis had access to *ESCt* Versions 7.0, 7.6, and 8.0.

15. On information and belief, Skalecki and Ellis formed SE & Associates, Inc. in 2003 to provide web-based housekeeping management products.

16. On information and belief, SE&A released a web-based software product called *Digital Housekeeper* that assists healthcare providers to manage their housekeeping departments.

17. On information and belief, SE&A, Skalecki, and/or Ellis commissioned a third party software developer to create the *Digital Housekeeper* software. SE&A, Skalecki, and/or Ellis had access to at least *ESCt* Version 8.0.

18. On information and belief, SE&A, Skalecki, and Ellis copied *ESCt Environmental Service Computer Tools* Version 8.0 (and possibly other versions) to create the *Digital Housekeeper* software.

19. On information and belief, SE&A, Skalecki, and/or Ellis terminated the first third party software developer's employment before the *Digital Housekeeper* software was completed.

20. On information and belief, SE&A, Skalecki, and/or Ellis subsequently commissioned

Sundial, a software development company, to assist with the completion of the *Digital Housekeeper* software.

21. On information and belief, SE&A, Skalecki, Ellis, and Sundial had access to and copied *ESCt Environmental Service Computer Tools* Version 8.0 to create the *Digital Housekeeper* software.

22. SE&A, Skalecki, and Ellis are currently marketing and selling the infringing *Digital Housekeeper* software to many of ESC's long time customers.

COUNT I: COPYRIGHT INFRINGEMENT

23. ESC incorporates by reference Paragraphs 1 through 22 as if fully rewritten.

24. The *ESCt* software contains a substantial amount of wholly original material, which is copyrightable subject matter pursuant to 17 U.S.C. § 101, *et seq.*

25. ESC complied with the Copyright Act and secured the exclusive rights in and to the copyrights of the *ESCt* software, and received Certificates of Registration TX 6-095-278, TX 6-079-903, TX 6-061-497, and TX 6-095-279.

26. ESC is the owner of all right, title, and interest in and to the copyrights in the *ESCt* software.

27. Defendants' acts of copying the *ESCt* software were and are unauthorized by ESC.

28. Defendants' *Digital Housekeeper* software is substantially copied from the *ESCt* software, and constitutes an infringement of ESC's copyrights by reproducing the copyrighted works, preparing one or more derivative works based upon the copyrighted works, and distributing copies of

the copyrighted works.

29. On information and belief, unless enjoined by this Court, Defendants intend to continue infringing upon and otherwise profiting from their infringement of the *ESCt* software.

30. Defendants' conduct has caused and will continue to cause irreparable injury to ESC's business, reputation, and goodwill unless restrained by this Court. ESC has no adequate remedy at law.

WHEREFORE, ESC requests that the Court enter judgment in its favor on its complaint and that the Court:

- A. Find that Defendants have infringed ESC's copyrights in the *ESCt* software;
- B. Find a substantial likelihood that Defendants will continue to infringe ESC's copyrights in the *ESCt* software unless enjoined;
- C. Order a preliminary and permanent injunction enjoining the Defendants and related parties from directly or indirectly infringing ESC's copyrights in the *ESCt* software, or continuing to market, offer, sell, dispose of, license, lease, transfer, display, advertise, reproduce, develop, or manufacture any works derived or copied from the *ESCt* software or to participate or assist in any such activity;
- D. Order Defendants and related parties to return to ESC any and all originals, copies, facsimiles, or duplications of the *ESCt* software in their possession, custody, or control;
- E. Order Defendants and related parties to return to ESC any and all originals, copies, facsimiles, or duplications of any work shown to infringe any copyright in the *ESCt* software;

F. Order Defendants to deliver upon oath, to be impounded during the pendency of this action and destroyed pursuant to judgment herein, all originals, copies, facsimiles, or duplicates of any work shown to infringe any copyright in the *ESCt* software, including without limitation, all means of making such infringements, including all computers, computer networks, software, and electronic storage media;

G. Order Defendants to file with the Court and to serve on ESC, within 30 days after service of the Court's order, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the Court's order;

H. Enter judgment for ESC and against Defendants for ESC's actual damages, and for any profits attributable to infringements of ESC's copyrights, and such other damages as the Court shall deem proper under the copyright statutes;

I. Require Defendants to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law;

J. Order that all gains, profits, and advantages derived by Defendants from its acts of infringement and other violations of law be deemed to be held in constructive trust for the benefit of ESC;

K. Enter judgment against Defendants for ESC's costs and attorneys' fees;

L. Find that the Defendants' acts of copyright infringement have been intentional and willful;

M. Award ESC prejudgment interest on the amount of all its damages and attorneys' fees; and

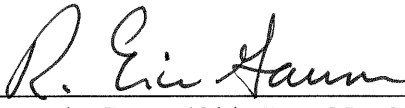
N. Grant ESC such other and further relief, at law or equity, to which ESC may be entitled.

JURY DEMAND

Plaintiff, Healthcare Facilities Consulting, Inc. d/b/a ESC, herein demands a jury trial pursuant to Federal Rule of Civil Procedure 38 as to all issues so triable in this action.

Respectfully submitted,

HAHN LOESER & PARKS LLP

By: 
R. Eric Gaum (Ohio Reg. No. 0066573)
Admitted *Pro Hac Vice*
regaum@hahnlaw.com
Robert J. Diaz (Wisconsin Reg. No. 1021458)
rjdiaz@hahnlaw.com

One GOJO Plaza, Suite 300
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(330) 864-7986 fax

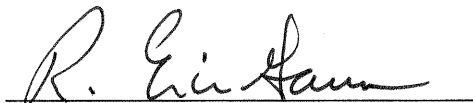
Attorneys for Plaintiff
Healthcare Facilities Consulting, Inc.
d/b/a ESC

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2005, a copy of the foregoing FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT is being served on the following counsel of record by E-mail and First Class mail, postage prepaid:

Stephen C. Werner, Jr., Esq.
Roethe, Krohn, Pope LLP
321 E. Milwaukee Street
Janesville, WI 53545
Attorney for Defendant
SE & Associates, Inc.

Edward A. Corcoran, Esq.
Brennan, Steil & Basting, S.C.
22 East Mifflin Street, Suite 400
P.O. Box 990
Madison, Wisconsin 53701
Attorney for Defendant
Sundial Software Corp.

A handwritten signature in black ink, appearing to read "R. Eric Hann", is written over a horizontal line.

One of the Attorneys for Plaintiff
Healthcare Facilities Consulting, Inc.
d/b/a ESC

EXHIBIT A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Margbeth Peters

Register of Copyrights, United States of America



Form TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 6-095-278



#TX0006095278#

EFFECTIVE DATE OF REGISTRATION

12-17-04
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

ENVIRONMENTAL SERVICE COMPUTER TOOLS 7.0

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared **Title of Collective Work ▼**

If published in a periodical or serial give **Volume ▼**

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a **HEALTHCARE FACILITIES CONSULTING, INC**

Was this contribution to the work a "work made for hire"?

☒ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼

Nevada Corporation

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes" see detailed instructions

NOTE

Under the law the "author" of a "work made for hire" is generally the employer not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as "Author" of that part and leave the space for dates of birth and death blank

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼
Computer Program

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of ▼

Domiciled in ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1998

Year This information must be given in all cases

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published

Month ▶ Jan

Day ▶ 1

Year ▶ 1998

U.S.A.

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

HEALTHCARE FACILITIES CONSULTING, INC
2875 F Northtowne Lane, Suite 234
Reno, NV 89512

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

APPLICATION RECEIVED

DEC 17 2004

ONE DEPOSIT RECEIVED

DEC 17 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

See instructions before completing this space

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• Complete all applicable spaces (numbers 5-9) on the reverse side of this page
• See detailed instructions
• Sign the form at line 8

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Page 1 of _____ pages

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CHECKED BY

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☐ CORRESPONDENCE
YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished formb. ☐ This is the first application submitted by this author as copyright claimantc. ☐ This is a changed version of the work, as shown by space 6 on this application

If your answer is "Yes," give Previous Registration Number ►

Year of Registration ►

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

Preexisting material from previous versions of the software

a 6

See instructions
before completing
this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed ▼

All original expression excluding preexisting material

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼

b

R Eric Gaum, HAHN LOESER & PARKS LLP
One GOJO Plaza, Suite 300
Akron, Ohio 44311-1076

Area code and daytime telephone number ► (330) 864 - 5550

Fax number ► (330) 864 - 7986

Email ► regaum@hahnlaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ►

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

HEALTHCARE FACILITIES CONSULTING, INC.

Name of author or other copyright claimant or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date

Philip K Lee

Date ► 11/19/04

Handwritten signature (X) ▼

X *Philip K Lee*Certificate
will be
mailed in
window
envelope
to this
address

Name ▼

R. Eric Gaum, HAHN LOESER & PARKS LLP

Number/Street/Apt ▼

One GOJO Plaza, Suite 300

City/State/ZIP ▼

Akron, Ohio 44311-1076

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

- 1 Application form
- 2 Nonrefundable filing fee in check or money order payable to Register of Copyrights
- 3 Deposit material

MAIL TO:
Library of Congress
Copyright Office - TX
101 Independence Avenue S E
Washington, D C 20559-6222Fees are subject to
change. For current
fees, check the
Copyright Office
website at
www.copyright.gov
write the Copyright
Office, or call
(202) 707-9000

9

*17 U.S.C. § 506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Rev. July 2003—xxx Web Rev. July 2003 © Printed on recycled paper

U.S. Government Printing Office 2000-481 113/20,021

Certificate of Registration

Case: 98-4 cv-00973-bbc Document #: 24 Filed: 04/04/05 Page 12 of 17



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America



Form TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 6-079-903



EFFECTIVE DATE OF REGISTRATION

DEC 07 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

ENVIRONMENTAL SERVICE COMPUTER TOOLS 7.6

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work ▼**

If published in a periodical or serial give: **Volume ▼**

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a **David G. Schlecht**

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of **U.S.A.**
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Computer Program

NAME OF AUTHOR ▼

b

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

c

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of
Domiciled in

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Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2000

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month **March**

Day **22**

Year **2000**

U.S.A.

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

HEALTHCARE FACILITIES CONSULTING, INC.
2875 F Northtowne Lane, Suite 234
Reno, NV 89512

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

Assignment

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ONE DEPOSIT RECEIVED

DEC 07 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

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Page 1 of **2** pages

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CHECKED BY☐ CORRESPONDENCE
YesFOR
COPYRIGHT
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USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▶

Year of Registration ▶

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Preexisting material from previous versions of the software.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

All original expression excluding preexisting material

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / ZIP ▼

R. Eric Gaum, HAHN LOESER & PARKS LLP
One GOJO Plaza, Suite 300
Akron, Ohio 44311-1076

Area code and daytime telephone number ▶ (330) 864 - 5550

Fax number ▶ (330) 864 - 7986

Email ▶ regaum@hahnlaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of HEALTHCARE FACILITIES CONSULTING, INC.

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Philip K Lee

Date ▶ 11/19/04

Handwritten signature (X) ▼

X

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

R. Eric Gaum, HAHN LOESER & PARKS LLP

Number/Street/Apt ▼

One GOJO Plaza, Suite 300

City/State/ZIP ▼

Akron, Ohio 44311-1076

YOU MUST:

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:

Library of Congress
Copyright Office - TX
101 Independence Avenue, S.E.
Washington, D.C. 20559-6222Fees are subject to
change. For current
fees, check the
Copyright Office
website at
www.copyright.gov,
write the Copyright
Office, or call
(202) 707-5900.

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 6-061-497



IXU

EFFECTIVE DATE OF REGISTRATION

DEC 01 2004

Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

ENVIRONMENTAL SERVICE COMPUTER TOOLS 8.0

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work ▼**

If published in a periodical or serial give: **Volume ▼**

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a David G. Schlecht

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire?"

☐ Yes

☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☒ Citizen of U.S.A.

☐ Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Computer Program

NAME OF AUTHOR ▼

b

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire?"

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of _____

☐ Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

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Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

c

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire?"

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR ☐ Citizen of _____

☐ Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

a **YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**
2001

Year

b **DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**
Complete this information ONLY if this work has been published. Month July Day 2 Year 2001

U.S.A.

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

HEALTHCARE FACILITIES CONSULTING, INC.
2875 F Northtowne Lane, Suite 234
Reno, NV 89512

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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FORM TX

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☐ CORRESPONDENCE
☐ Yes
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OFFICE
USE
ONLY

*Deposit is computer source code.

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▶

Year of Registration ▶

5

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Preexisting material from previous versions of the software.

a 6

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

See instructions
below completing
this space.

All original expression excluding preexisting material *

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / ZIP ▼

b

R. Eric Gaum, HAHN LOESER & PARKS LLP
One GOJO Plaza, Suite 300
Akron, Ohio 44311-1076

Area code and daytime telephone number ▶ (330) 864 - 5550

Fax number ▶ (330) 864 - 7986

Email ▶ regaum@hahnlaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▶

- ☐
- author
-
- ☐
- other copyright claimant
-
- ☐
- owner of exclusive right(s)
-
- ☒
- authorized agent of

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▶ HEALTHCARE FACILITIES CONSULTING, INC.

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Philip K Lee

Date ▶ 1/19/04

Handwritten signature (X) ▼

X

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window
envelope
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Name ▼

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attached. For exact
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more information,
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Office, or call
(202) 707-6000.

9

*17 U.S.C. § 506(c): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

**Form TX**

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

RE:

TX 6-095-279

#TX006695279#

EFFECTIVE DATE OF REGISTRATION

12-17-04

Month Day Year

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1**TITLE OF THIS WORK ▼****ENVIRONMENTAL SERVICE COMPUTER TOOLS 8 5****PREVIOUS OR ALTERNATIVE TITLES ▼**

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared **Title of Collective Work ▼**

If published in a periodical or serial give **Volume ▼**

Number ▼**Issue Date ▼****On Pages ▼****2****NAME OF AUTHOR ▼****a** **David G Schlecht****DATES OF BIRTH AND DEATH****Year Born ▼****Year Died ▼**

Was this contribution to the work a
"work made for hire"?

☐ Yes☒ No**AUTHOR'S NATIONALITY OR DOMICILE****Name of Country****OR** **Citizen of ▶ USA****Domiciled in ▶****WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK****Anonymous? ☐ Yes ☒ No****Pseudonymous? ☐ Yes ☒ No**

If the answer to either
of these questions is
"Yes" see detailed
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NOTE

Under the law the author of a "work made for hire" is generally the employer not the employee (see instructions) For any part of this work that was "made for hire" check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as "Author of that part and leave the space for dates of birth and death blank

NATURE OF AUTHORSHIP

Briefly describe nature of material created by this author in which copyright is claimed ▼

Computer Program**NAME OF AUTHOR ▼****b**

Was this contribution to the work a
"work made for hire"?

☐ Yes☐ No**AUTHOR'S NATIONALITY OR DOMICILE****Name of Country****OR** **Citizen of ▶****Domiciled in ▶****DATES OF BIRTH AND DEATH****Year Born ▼****Year Died ▼****WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK****Anonymous? ☐ Yes ☐ No****Pseudonymous? ☐ Yes ☐ No**

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3**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED****2004**

This information must be given in all cases

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published

Month ▶ Feb**Day ▶ 12****Year ▶ 2004****U.S.A.****◀ Nation****4**

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

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Reno, NV 89512

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

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Preexisting material from previous versions of the software

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See instructions
before completing
this space

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All original expression excluding preexisting material

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Name ▼ Account Number ▼

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼

R. Eric Gaum, HAHN LOESER & PARKS LLP

One GOJO Plaza, Suite 300

Akron, Ohio 44311-1076

b

Area code and daytime telephone number ► (330) 864 - 5550

Fax number ► (330) 864 - 7986

Email ► regaum@hahnlaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

HEALTHCARE FACILITIES CONSULTING, P.C.

Name of author or other copyright claimant or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made
by me in this application are correct to the best of my knowledge

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date

Philip K Lee

Date ►

11/19/04

Handwritten signature (X) ▼

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Philip K Lee

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*17 U.S.C. § 506(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409 or in any written statement filed in connection with the application shall be fined not more than \$2,500